

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:09-cr-134

UNITED STATES OF AMERICA)
)
 vs.)
)
 NATHANIEL JOE PASS)
 _____)

ORDER

THIS MATTER is before the Court remand from the United States Court of Appeals for the Fourth Circuit for further proceedings. (Doc. No. 49: Opinion and Judgment).

IT IS, THEREFORE, ORDERED, that the government shall file a pleading within twenty-one days of the entry of this Order addressing the issues on remand, specifically whether the Fair Sentencing Act of 2010, Pub. L. No. 111–220 (FSA), is retroactively applicable to the defendant, whose offense was committed prior to August 3, 2010, the effective date of the FSA, but who was sentenced after that date. The defendant shall file a response within fourteen days of the government’s pleading, and the government may file a reply within seven days of the defendant’s response.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, and the Clerk of the United States Court of Appeals for the Fourth Circuit.

Signed: March 27, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

